

ASSEMBLY BILL

No. 2753

**Introduced by Committee on Housing and Community Development
(Assembly Member Chau (Chair), Beth Gaines (Vice Chair),
Atkins, Brown, Maienschein, Quirk-Silva, and Yamada)**

March 20, 2014

An act to amend Section 798.37.5 of the Civil Code, to amend Sections 54237.5 and 65588 of the Government Code, and to amend Section 51505 of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL’S DIGEST

AB 2753, as introduced, Committee on Housing and Community Development. Housing.

(1) The Mobilehome Residency Law generally governs the terms and conditions of residency in mobilehome parks.

This bill would make a technical, nonsubstantive change to update a cross-reference in a provision of that law.

(2) Existing law sets forth the procedure for the state to dispose of surplus residential property.

This bill would make a technical, nonsubstantive change to properly reference federal law.

(3) The Planning and Zoning Law requires each local government to review its housing element as frequently as appropriate to evaluate specified considerations.

This bill would make a technical, nonsubstantive change to correct a cross-reference in a provision of that law.

(4) The California Homebuyer’s Downpayment Assistance Program assists first-time low- and moderate-income homebuyers utilizing existing mortgage financing and requires certain funds to be used for

the Extra Credit Teacher Home Purchase Program or other school personnel home ownership assistance programs, as specified.

This bill would modify an obsolete cross-reference and would provide for specified conditions when the downpayment assistance is not due and payable upon sale of a home.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 798.37.5 of the Civil Code is amended
2 to read:

3 798.37.5. (a) With respect to trees on rental spaces in a
4 mobilehome park, park management shall be solely responsible
5 for the trimming, pruning, or removal of any tree, and the costs
6 thereof, upon written notice by a homeowner or a determination
7 by park management that the tree poses a specific hazard or health
8 and safety violation. In the case of a dispute over that assertion,
9 the park management or a homeowner may request an inspection
10 by the Department of Housing and Community Development or
11 a local agency responsible for the enforcement of the Mobilehome
12 Parks Act (Part 2.1 (commencing with Section 18200) of Division
13 3 13 of the Health and Safety Code) in order to determine whether
14 a violation of that act exists.

15 (b) With respect to trees in the common areas of a mobilehome
16 park, park management shall be solely responsible for the
17 trimming, pruning, or removal of any tree, and the costs thereof.

18 (c) Park management shall be solely responsible for the
19 maintenance, repair, replacement, paving, sealing, and the expenses
20 related to the maintenance of all driveways installed by park
21 management including, but not limited to, repair of root damage
22 to driveways and foundation systems and removal. Homeowners
23 shall be responsible for the maintenance, repair, replacement,
24 paving, sealing, and the expenses related to the maintenance of a
25 homeowner installed driveway. A homeowner may be charged for
26 the cost of any damage to the driveway caused by an act of the
27 homeowner or a breach of the homeowner's responsibilities under
28 the rules and regulations so long as those rules and regulations are
29 not inconsistent with the provisions of this section.

1 (d) No homeowner may plant a tree within the mobilehome
2 park without first obtaining written permission from the
3 management.

4 (e) This section shall not apply to alter the terms of any rental
5 agreement in effect prior to January 1, 2001, between the park
6 management and the homeowner regarding the responsibility for
7 the maintenance of trees and driveways within the mobilehome
8 park, except that upon any renewal or extension, the rental
9 agreement shall be subject to this section. This section is not
10 intended to abrogate the content of any existing rental agreement
11 or other written agreements regarding trees or driveways that are
12 in effect prior to January 1, 2001.

13 (f) This section shall only apply to rental agreements entered
14 into, renewed, or extended on or after January 1, 2001.

15 (g) Any mobilehome park rule or regulation shall be in
16 compliance with this section.

17 SEC. 2. Section 54237.5 of the Government Code is amended
18 to read:

19 54237.5. Notwithstanding the requirement to provide repairs
20 in subdivision (b) of Section 54237, the selling agency may, at its
21 option, provide the present occupants with a replacement dwelling
22 if all of the following conditions exist:

23 (a) Providing a replacement dwelling is less expensive than
24 providing the repairs required by subdivision (b) of Section 54237.

25 (b) The replacement dwelling is determined to have all of the
26 following characteristics:

27 (1) Is decent, safe, and sanitary.

28 (2) Is suitable to the occupancy needs of the household as
29 provided under regulations of the United States Department of
30 Housing and Urban Development issued pursuant to Section 8 of
31 the United States Housing Act of 1937.

32 (3) Is open to all persons regardless of race, color, religion, sex,
33 or national origin and consistent with requirements of Title-8 *VIII*
34 of the Civil Rights Act of ~~1978~~ 1968.

35 (4) Is in an area not generally less desirable than the dwelling
36 to be acquired in regard to public utilities and public and
37 commercial facilities.

38 (5) Is reasonably accessible to the displaced person's place of
39 employment.

40 (6) Is in an equal or better neighborhood.

1 (7) Is affordable, as defined in subdivision ~~(a)~~ (b) of Section
2 54236, to the displaced person.

3 (c) The offer is made at an affordable price that is not less than
4 the price paid by the agency for original acquisition of the unit
5 now occupied by the displaced person or the replacement unit,
6 whichever is less, and is not more than market value.

7 (d) The replacement dwelling is a newly constructed or a vacant
8 residential unit. No resident shall be displaced ~~pursuant to, as~~
9 *defined by* Section 7260, for the purpose of creating a replacement
10 unit.

11 SEC. 3. Section 65588 of the Government Code is amended
12 to read:

13 65588. (a) Each local government shall review its housing
14 element as frequently as appropriate to evaluate all of the
15 following:

16 (1) The appropriateness of the housing goals, objectives, and
17 policies in contributing to the attainment of the state housing goal.

18 (2) The effectiveness of the housing element in attainment of
19 the community's housing goals and objectives.

20 (3) The progress of the city, county, or city and county in
21 implementation of the housing element.

22 (b) The housing element shall be revised as appropriate, but no
23 less often than required by subdivision (e), to reflect the results of
24 this periodic review. Nothing in this section shall be construed to
25 excuse the obligations of the local government to adopt a revised
26 housing element in accordance with the schedule specified in this
27 section.

28 (c) The review and revision of housing elements required by
29 this section shall take into account any low- or moderate-income
30 housing provided or required pursuant to Section 65590.

31 (d) The review pursuant to subdivision (c) shall include, but
32 need not be limited to, the following:

33 (1) The number of new housing units approved for construction
34 within the coastal zone after January 1, 1982.

35 (2) The number of housing units for persons and families of
36 low or moderate income, as defined in Section 50093 of the Health
37 and Safety Code, required to be provided in new housing
38 developments either within the coastal zone or within three miles
39 of the coastal zone pursuant to Section 65590.

1 (3) The number of existing residential dwelling units occupied
2 by persons and families of low or moderate income, as defined in
3 Section 50093 of the Health and Safety Code, that have been
4 authorized to be demolished or converted since January 1, 1982,
5 in the coastal zone.

6 (4) The number of residential dwelling units for persons and
7 families of low or moderate income, as defined in Section 50093
8 of the Health and Safety Code, that have been required for
9 replacement or authorized to be converted or demolished as
10 identified in paragraph (3). The location of the replacement units,
11 either onsite, elsewhere within the locality's jurisdiction within
12 the coastal zone, or within three miles of the coastal zone within
13 the locality's jurisdiction, shall be designated in the review.

14 (e) Each city, county, and city and county shall revise its housing
15 element according to the following schedule:

16 (1) (A) Local governments within the regional jurisdiction of
17 the Southern California Association of Governments: June 30,
18 2006, for the fourth revision.

19 (B) Local governments within the regional jurisdiction of the
20 Association of Bay Area Governments: June 30, 2007, for the
21 fourth revision.

22 (C) Local governments within the regional jurisdiction of the
23 Council of Fresno County Governments, the Kern County Council
24 of Governments, and the Sacramento Area Council of
25 Governments: June 30, 2002, for the third revision, and June 30,
26 2008, for the fourth revision.

27 (D) Local governments within the regional jurisdiction of the
28 Association of Monterey Bay Area Governments: December 31,
29 2002, for the third revision, and June 30, 2009, for the fourth
30 revision.

31 (E) Local governments within the regional jurisdiction of the
32 San Diego Association of Governments: June 30, 2005, for the
33 fourth revision.

34 (F) All other local governments: December 31, 2003, for the
35 third revision, and June 30, 2009, for the fourth revision.

36 (2) (A) All local governments within a metropolitan planning
37 organization in a region classified as nonattainment for one or
38 more pollutants regulated by the federal Clean Air Act (42 U.S.C.
39 Sec. 7506), except those within the regional jurisdiction of the San
40 Diego Association of Governments, shall adopt the fifth revision

1 of the housing element no later than 18 months after adoption of
2 the first regional transportation plan to be adopted after September
3 30, 2010.

4 (B) (i) All local governments within the regional jurisdiction
5 of the San Diego Association of Governments shall adopt the fifth
6 revision of the housing element no later than 18 months after
7 adoption of the first regional transportation plan update to be
8 adopted after September 30, 2010.

9 (ii) Prior to or concurrent with the adoption of the fifth revision
10 of the housing element, each local government within the regional
11 jurisdiction of the San Diego Association of Governments shall
12 identify adequate sites in its inventory pursuant to Section 65583.2
13 or rezone adequate sites to accommodate a prorated portion of its
14 share of the regional housing need for the projection period
15 representing the period from July 1, 2010, to the deadline for
16 housing element adoption described in clause (i).

17 (I) For the fifth revision, a local government within the
18 jurisdiction of the San Diego Association of Governments that has
19 not adopted a housing element for the fourth revision by January
20 1, 2009, shall revise its housing element not less than every four
21 years, beginning on the date described in clause (i), in accordance
22 with paragraph (4), unless the local government does both of the
23 following:

24 (ia) Adopts a housing element for the fourth revision no later
25 than March 31, 2010, which is in substantial compliance with this
26 article.

27 (ib) Completes any rezoning contained in the housing element
28 program for the fourth revision by June 30, 2010.

29 (II) For the sixth and subsequent revisions, a local government
30 within the jurisdiction of the San Diego Association of
31 Governments shall be subject to the dates described in clause (i),
32 in accordance with paragraph (4).

33 (C) All local governments within the regional jurisdiction of a
34 metropolitan planning organization or a regional transportation
35 planning agency that has made an election pursuant to
36 subparagraph (L) of paragraph (2) of subdivision (b) of Section
37 65080 by June 1, 2009, shall adopt the fifth revision of the housing
38 element no later than 18 months after adoption of the first regional
39 transportation plan update following the election.

1 (D) All other local governments shall adopt the fifth revision
2 of the housing element five years after the date specified in
3 paragraph (1).

4 (3) Subsequent revisions of the housing element shall be due
5 as follows:

6 (A) For local governments described in subparagraphs (A), (B),
7 and (C) of paragraph (2), 18 months after adoption of every second
8 regional transportation plan update, provided that the deadline for
9 adoption is no more than eight years later than the deadline for
10 adoption of the previous eight-year housing element.

11 (B) For all other local governments, at five-year intervals after
12 the date specified in subparagraph (D) of paragraph (2).

13 (C) If a metropolitan planning organization or a regional
14 transportation planning agency subject to the five-year revision
15 interval in subparagraph (B) makes an election pursuant to
16 subparagraph ~~(L)~~ (M) of paragraph (2) of subdivision (b) of Section
17 65080 after June 1, 2009, all local governments within the regional
18 jurisdiction of that entity shall adopt the next housing element
19 revision no later than 18 months after adoption of the first regional
20 transportation plan update following the election. Subsequent
21 revisions shall be due 18 months after adoption of every second
22 regional transportation plan update, provided that the deadline for
23 adoption is no more than eight years later than the deadline for
24 adoption of the previous eight-year housing element.

25 (4) (A) A local government that does not adopt a housing
26 element within 120 days of the applicable deadline described in
27 subparagraph (A), (B), or (C) of paragraph (2) or subparagraph
28 (A) or (C) of paragraph (3) shall revise its housing element not
29 less than every four years until the local government has adopted
30 at least two consecutive revisions by the statutory deadline.

31 (B) If necessary, the local government shall adopt three
32 consecutive four-year revisions by the statutory deadline to ensure
33 that when the local government adopts its next housing element
34 covering an eight-year planning period, it does so at the deadline
35 for adoption for other local governments within the region also
36 covering an eight-year planning period.

37 (C) The deadline for adoption of every second four-year revision
38 shall be the same as the deadline for adoption for other local
39 governments within the region.

(5) The metropolitan planning organization or a regional transportation planning agency for a region that has an eight-year revision interval pursuant to paragraph (3) shall notify the department and the Department of Transportation in writing of the estimated adoption date for its next regional transportation plan update at least 12 months prior to the estimated adoption date. The Department of Transportation shall maintain and publish on its Internet Web site a current schedule of the estimated regional transportation plan adoption dates. The department shall maintain and publish on its Internet Web site a current schedule of the estimated and actual housing element due dates. Each council of governments shall publish on its Internet Web site the estimated and actual housing element due dates, as published by the department, for the jurisdictions within its region and shall send notice of these dates to interested parties. For purposes of determining the existing and projected need for housing within a region pursuant to Sections 65584 to 65584.08, inclusive, the date of the next scheduled revision of the housing element shall be deemed to be the estimated adoption date of the regional transportation plan update described in the notice provided to the Department of Transportation plus 18 months.

(6) The new projection period shall begin on the date of December 31 or June 30 that most closely precedes the end of the previous projection period.

(f) For purposes of this article, the following terms have the following meanings:

(1) "Planning period" shall be the time period between the due date for one housing element and the due date for the next housing element.

(2) "Projection period" shall be the time period for which the regional housing need is calculated.

(g) For purposes of this section, "regional transportation plan update" shall mean a regional transportation plan adopted to satisfy the requirements of subdivision (d) of Section 65080.

SEC. 4. Section 51505 of the Health and Safety Code is amended to read:

51505. (a) In addition to the downpayment assistance program authorized by Section 51504, and notwithstanding any provision of Section 51504 to the contrary, the agency shall provide downpayment assistance from the funds set aside pursuant to

subparagraph (D) of paragraph (7) of subdivision (a) of Section 53533 for the purposes of the portion of the Extra Credit Teacher Home Purchase Program provided for in subdivision (g) of Section 8869.84 of the Government Code and any other school personnel home ownership assistance programs as set forth by the California Debt Limit Allocation Committee, as operated by the agency. Notwithstanding the foregoing, the agency may, but is not required to, provide downpayment assistance pursuant to this section to any local issuer participating in the Extra Credit Teacher Home Purchase Program and any other school personnel home ownership assistance programs as set forth by the California Debt Limit Allocation Committee.

(b) (1) Downpayment assistance for purposes of this section shall be subject to, and shall meet the requirements of, the Extra Credit Teacher Home Purchase Program and any other school personnel home ownership programs as set forth by the California Debt Limit Allocation Committee, and shall include, but not be limited to, deferred payment, low interest rate loans.

(2) Except as provided in ~~paragraph (3)~~ paragraphs (3) and (5), payment of principal and interest is deferred until the time that the home is sold or refinanced.

(3) The agency may, in its discretion, permit the downpayment assistance loan to be subordinated to refinancing if it determines that the borrower has demonstrated hardship, subordination is required to avoid foreclosure, and the new loan meets the agency's underwriting requirements. The agency may permit subordination on those terms and conditions as it determines are reasonable, but subordination is not permitted if the borrower has sufficient equity to repay the loan.

(4) This downpayment assistance shall meet the requirements of ~~subdivisions (d) and (e)~~ paragraph (3) of, and subparagraph (A) of paragraph (4) of, Section 51504.

(5) *The amount of the downpayment assistance shall not be due and payable upon sale of the home if the first mortgage loan is insured by the Federal Housing Administration (FHA) or if the first mortgage loan is, or has been, transferred to the FHA, or if the requirement is otherwise contrary to regulations of the United States Department of Housing and Urban Development governing FHA insured first mortgage loans.*

1 (c) Loans made pursuant to this section may include a provision
2 whereby interest, principal, or both, of the loan is forgiven upon
3 conditions to be established by the agency, or any other provision
4 designed to carry out the purposes of the Extra Credit Teacher
5 Home Purchase Program and any other school personnel home
6 ownership programs as set forth by the California Debt Limit
7 Allocation Committee.

8 (d) Downpayment assistance pursuant to this section shall not
9 exceed the greater of seven thousand five hundred dollars (\$7,500)
10 or 3 percent of the home sales price. However, the agency may,
11 with the concurrence of the California Debt Limit Allocation
12 Committee, establish higher assistance limits where necessary to
13 ensure sufficient assistance to allow program participation in high
14 cost areas.